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# Eleventh report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

## I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 22 April 2016 (S/2016/372).

2. Bilateral ties between Iraq and Kuwait continued to strengthen during the reporting period. On 26 April, my Special Representative for Iraq met in Baghdad with the Chargé d'affaires of the Embassy of Kuwait in Iraq, Khalid al-Janai. My Special Representative briefed him on his official visit to Kuwait, held on 6 April, and on the activities planned by the United Nations Assistance Mission for Iraq (UNAMI) to reinvigorate the file of missing Kuwaiti persons and property, including by reaching out to witnesses and other stakeholders. Mr. Al-Janai welcomed the UNAMI efforts and expressed the support of Kuwait for the Government and people of Iraq, in addition to his country's readiness to continue to provide assistance on the humanitarian front.

3. On 14 June, in an effort to enhance bilateral relations between Iraq and Kuwait, the Iraqi Council of Ministers adopted a decision to lift an order to seize real estate property owned by Kuwaiti citizens in Iraq, which had been imposed in 1995 by the now-dissolved Office of the Presidency of the Republic. The Council stipulated that the ban would be lifted provided that no legal obstacles existed and would be granted in return for the lifting of the freeze on real estate property owned by Iraqi citizens in Kuwait.

## II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

4. The International Committee of the Red Cross (ICRC) researcher, who is engaged in supporting the in-depth scientific review agreed upon during the Tripartite Commission meeting of October 2015, undertook a two-week visit to Baghdad from 9 to 21 April to review the archives of the Ministry of Defence. The information gathered is being entered into a database for review by the forensic external expert who joined the team on 16 May and has since begun an initial



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assessment of the file. On 11 April, my Special Representative met the President of ICRC, Peter Maurer, in Geneva. They discussed the activities of UNAMI and the ICRC activities on the file. Both sides reaffirmed their commitment and pledged to continue to cooperate on the matter.

5. On 27 April, the Ministry of Defence of Iraq submitted its plan of action for 2016 to ICRC, outlining its planned excavation work, contacts with witnesses and other activities relating to the search for the missing and the repatriation and return of all Kuwaiti and third-country nationals. The document has also been shared with the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs. The plan of action details priorities for the remainder of the year, including field work on the Khamisiyah and Radwaniyah sites, a review of the information pertaining to the Karbala' site, an expansion of the media campaign and follow-up activities with existing witnesses.

6. During the reporting period, the Ministry of Defence of Iraq contacted witnesses in order to obtain more detailed information in support of the identification of potential burial sites. On 10 May, at an Iraqi interministerial meeting, which was held under the chairmanship of the Ministry, issues pertaining to the witnesses were discussed, and agreement on a way forward was reached.

7. On 11 May, a field trip was conducted to the Radwaniyah site by the Ministry of Defence of Iraq in follow-up to previous work, with the technical support of ICRC forensic experts. A basic archaeological survey was completed, GPS coordinates were established and excavation sites for future work were identified. On 13 May, a field visit to the Khamisiyah site was undertaken by the Ministry, also with support from the ICRC forensic team, to ascertain the facts on the ground and review the work undertaken to date. The ICRC mission reports from the two field visits are being finalized and will be submitted to the tripartite mechanism members during the next reporting period.

8. Upon the instructions of the Minister of Defence of Iraq, Khalid al-Ubaydi, the Ministry's spokesperson requested all citizens holding information on potential sites, archives and/or Kuwaitis' personal belongings to come forward. His call was broadcast on 18 May on 20 Iraqi channels, including satellite television channels. The video also informed the public that the file on missing Kuwaiti persons had been transferred to the Ministry and provided contact information to reach the Ministry's directorates of human rights and media and moral guidance. Following the broadcast, a new witness came forward with information on a potential burial site. The Ministry is currently analysing the information.

9. On 18 May, as part of his responsibilities under Security Council resolution 2107 (2013), my Deputy Special Representative for Iraq for Political Affairs, Gyorgy Busztin, met the Undersecretary for Legal Affairs and Multilateral Relations of the Ministry of Foreign Affairs of Iraq, Omar Barzanji, and underscored the need to undertake specific activities to search for the missing Kuwaiti and third-country nationals. While noting that current priorities, notably the continuing efforts to combat Islamic State in Iraq and the Levant (ISIL) and the dire humanitarian situation, were hampering the Government's ability to finance extensive activities in support of the Kuwaiti file, Mr. Barzanji reiterated his Government's commitment to pushing the work forward. He outlined his current engagement with the Ministry of Defence of Iraq, notably to reach out to new witnesses.

10. On 18 May and 20 June, during meetings with the head of the ICRC delegation in Baghdad, Katharina Ritz, my Deputy Special Representative expressed his expectation that the Ministry of Defence of Iraq would continue to take action on the file. Ms. Ritz said that ICRC had introduced additional forensic expertise to assist the Government of Iraq to increase its chances of obtaining a positive outcome. The parties agreed that the continuation of the work needed to be ensured and that collaboration through the tripartite mechanism would preserve momentum and aid the process.

11. On 19 May, my Deputy Special Representative met the Secretary-General of the Ministry of Defence of Iraq, Vice Admiral Muhammad Jawad al-Abady, a newly appointed leader of the Ministry's technical team in charge of the missing Kuwaiti persons file. My Deputy Special Representative underlined the international obligation of Iraq to work on the file and the consequent need to show results through actual work on the ground. He encouraged the technical team to work more actively through the tripartite mechanism, which served as an instrument of cooperation and represented the best-placed platform to guide Iraqi efforts. Mr. Al-Abady assured my Deputy Special Representative that the Minister of Defence was keen to resolve all outstanding issues with Kuwait and that the file was being given due importance at and support from the highest government levels. He emphasized that the technical team was fully engaged, committed himself to undertaking the activities needed to advance the work on the file and welcomed the continued assistance and cooperation of UNAMI.

12. On 23 May, UNAMI participated in an observer capacity in the ninety-fourth session of the Technical Subcommittee of the tripartite mechanism, which was held in Kuwait. The lack of tangible results notwithstanding, the renewed commitment and results-oriented approach shown by the Ministry of Defence of Iraq were praised by the Subcommittee members. Kuwait expressed appreciation for the work of and the momentum established by the Ministry, voicing its readiness to assist the new team and expressing the hope that there would be fruitful results. The Iraqi delegation pledged to continue work on the file, the financial challenges notwithstanding, and welcomed Kuwaiti proposals on the 2016 action plan. The proposals advocated including the Salman Pak site, securing the presence of witnesses during field visits to possible burial sites, continuing efforts to reach witnesses and revisiting the ground-penetrating radar initiative for the Khamisiyah excavation works. The updated 2016 action plan was subsequently adopted by the members. ICRC reported that the in-depth scientific review project was continuing, reiterating its gratitude to both Iraq and Kuwait for opening their archives and trusting that that access would be extended in the future in order to complete the review.

13. On 24 May in Kuwait, my Deputy Special Representative held a meeting with the Chair of the National Committee for Missing Persons and Prisoners of War Affairs, Ibrahim al-Shaheen, who welcomed the technical role of the Ministry of Defence of Iraq on the file and its advantages, especially in terms of its standing, experience and results-oriented approach. He expressed the hope that efforts would be further expanded and that a number of Kuwaiti recommendations would be acted upon in the coming period, namely curbing the length of the transition phase, building on the previous work and history of the file, giving due attention to the Khamisiyah site and following up with witnesses in line with the guidelines agreed upon by the tripartite mechanism members. He recognized the current security

challenges facing the Ministry and its tremendous responsibilities in efforts to combat ISIL, conveying his appreciation that priority had also been given to the Kuwaiti missing persons file. My Deputy Special Representative commended the Committee on its patience and support during the transition period and assured Mr. Al-Shaheen that UNAMI would continue to follow up with the Iraqi side to facilitate the work on the file.

14. A UNAMI delegation, headed by my Deputy Special Representative, attended, in an observer capacity, the forty-second session of the Tripartite Commission, which was held on 25 May in Kuwait. A constructive atmosphere prevailed. The Commission members welcomed the new positive dynamics generated by the Ministry of Defence of Iraq. The members acknowledged that the solution did not lie in any single method or technology and agreed to continue to pursue various approaches in parallel, including field work, outreach to witnesses, the ICRC scientific review project and the utilization of new technology and scientific methodologies, where appropriate. The observer status of UNAMI was extended during the session, with the Kuwaiti delegation welcoming the Mission's continued presence and expressing appreciation for its efforts and use of all resources in supporting the work of the Government of Iraq. Similar sentiments were echoed by ICRC, which praised the positive role of UNAMI and its cooperation with the ICRC delegation in Baghdad.

## III. Recent activities with regard to the return of Kuwaiti property

15. On 18 May, during his meeting with Mr. Barzanji, my Deputy Special Representative urged the Ministry of Foreign Affairs of Iraq to reinvigorate the search for the missing Kuwaiti property and suggested approaching second-hand booksellers in Baghdad that might be in possession of knowledge of the national archives. Mr. Barzanji took note of the proposal. He informed my Deputy Special Representative that the Iraqi interministerial committee on the Kuwaiti property would be reconvened in the coming period to review the work on the file.

16. During the reporting period, the Ministry of Foreign Affairs of Iraq reached out to other ministries and government institutions to coordinate the search for the missing Kuwaiti property. As a result, thousands of Kuwaiti books were located in the libraries of the Ministry of Higher Education. During a meeting with my Deputy Special Representative on 20 June, Mr. Barzanji informed him that, together with the Ministry of Higher Education and the Ministry of Transportation, the Ministry of Foreign Affairs was cataloguing, itemizing and packaging the inventory received, in preparation for its official handover to the Government of Kuwait.

## IV. Observations

17. I commend the goodwill that continues to prevail between Iraq and Kuwait. I am confident that the strong support, solidarity and encouragement demonstrated by Kuwait is providing the impetus required to reach the full normalization of relations. I call on the Government of Iraq and its citizens to seize this positive momentum and make the efforts needed to attain progress on the file of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the

national archives. I urge Iraqi nationals both within and outside Iraq who possess information on missing Kuwaiti persons and property to come forward.

18. I remain disappointed that no cases of missing Kuwaiti persons have been solved and no human remains exhumed over the past 11 years. Ascertaining the fate of missing persons and providing answers to their grieving families depend on steadfast commitment, action and the adoption of new and innovative ways to push the file forward. Despite an extremely difficult security environment and political and financial challenges, the Government of Iraq has renewed its commitment to the file. I commend the Ministry of Defence for its willingness to fully engage on this important issue, use the resources at its disposal and undertake concrete action in an effort to reach results. I am grateful to the Government of Kuwait for its patience, support and willingness to assist during the transition period.

19. I also applaud the outstanding commitment of the tripartite mechanism members, under the able leadership of ICRC, which has provided a decades-long, fruitful and constructive platform to guide the efforts to locate and recover missing persons and has never lost hope or determination. I fully support the implementation of a parallel approach as a means of achieving tangible results and welcome the adoption of the 2016 Iraqi plan of action with the inclusion of the Kuwaiti recommendations. I encourage the Government of Iraq to continue carrying out field work, reaching out to witnesses and putting to use new scientific methods. I praise both States for allowing access to their respective archives in support of the scientific review project and look forward to its outcome. I am grateful for the confidence and trust placed in UNAMI through the renewal of its observer status. UNAMI is committed to continuing to play an integral and supportive role in the tripartite mechanism.

20. I welcome the revived search for the missing Kuwaiti property, including the national archives, which has already borne fruit. I encourage the Ministry of Foreign Affairs of Iraq to continue its efforts and consider UNAMI proposals, in particular searching the government archives and reaching out to second-hand booksellers. I remain hopeful that such efforts and renewed commitment will bring to light information on the national archives.

21. I reiterate the unwavering commitment of UNAMI, as well as of my Special Representative and my Deputy Special Representative, to play their mandated roles in this important humanitarian endeavour.